

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Gernold
Serial No. : 10/784,196
Filed : February 24, 2004
Title : GENERATING DATA SUBSCRIPTIONS BASED ON APPLICATION DATA

Art Unit : 2166
Examiner : Leon J. Harper
Conf. No. : 9245

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REPLY TO ACTION OF FEBRUARY 6, 2007

In response to the final Office Action of February 6, 2007, applicant asks that all claims be allowed in view of the following remarks. Claims 1-20 are currently pending, of which claims 1, 7, and 15 are independent.

Provisional Double Patenting Rejection

Claims 1, 7, and 15 have been provisionally rejected for obviousness-type double patenting over claims 1, 10, and 19 of co-pending Application No. 10/784,848. Without conceding obviousness, applicant respectfully requests that this provisional rejection be held in abeyance until the claims of both this application and those in Application No. 10/784,848 are otherwise held to be allowable.

Rejection under 35 U.S.C. § 103

Claims 1-20 have been rejected under 35 U.S.C. § 103 as being unpatentable over Bracho (U.S. Patent No. 5,870,605) in view of Cheng (U.S. Patent No. 5,884,324). Applicant requests reconsideration and withdrawal of the rejection because, as described below, Bracho and Cheng, alone or in any proper combination, do not describe or suggest the subject matter of independent claims 1, 7, and 15. For example, neither Bracho nor Cheng describes or suggests that data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data, as recited by claim 7.

Independent claim 7 recites a system for generating data subscriptions. The system includes a central system having a central database storing application data of various data types for an application program and storing data subscriptions to receive portions of the application data. The system also includes distributed systems having local databases of which at least some local databases include different portions of the application data from the central database. The data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criterion for a type of application data, and portions of the application data from the central database are distributed to the distributed systems based on the generated data subscriptions.

Bracho describes techniques for making information available via a networked system of publishers and subscribers. See Bracho at col. 1, lines 19-21. "Publishers" publish information, and "subscribers" request and use the information. See Bracho at col. 1, lines 63-65. In particular, each subscriber receives information (or an event) published by the publisher if, and only if, the events match subscription criteria specified by the subscriber. See Bracho at Abstract; col. 2, lines 19-21. To receive information, the subscribers register a subscription for an event type. See Bracho at col. 8, lines 44-46. Subscribers then specify the information that they want to receive by an event type and the content of the event. See Bracho at col. 5, lines 24-25. As such, Bracho describes a system in which information is published to subscribers based on the event and the content of the event as specified by the subscriber.

In contrast to Bracho's approach, which relies on the subscribers to register a subscription for an event type and indicate the content and types of events that the subscriber wishes to receive, claim 7 recites that data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data.

Accordingly, Bracho does not describe or suggest that data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data, as recited by claim 7.

Cheng does not remedy the failure of Bracho to describe or suggest that data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data, nor does the final

Office Action assert that Cheng does so. Rather, the final Office Action relies on Cheng to disclose identifying "a portion of the application data to be distributed to one or more of the data sites." See final Office Action at page 5, lines 7-9.

Cheng describes techniques for accessing information stored in a database on a database management system. See Cheng at col. 1, lines 6-8. Cheng's techniques include a replication agent for providing replicated data from the database management system to a remote user. See Cheng at col. 1, lines 8-10. Cheng's replication agent receives a subscription message from the remote client. See Cheng at col. 3, lines 45-47. The subscription message identifies data that the remote client wants replicated from the database management system and specifies a replication period. See Cheng at col. 3, lines 48-53. The data replication agent accesses and reads a change log stored in the database management system and transmits changed data to the remote client. See Cheng at col. 3, lines 59-62 and 65-66.

As such, Cheng's techniques disclose receiving, from a remote client, a subscription message that identifies data to send to the remote client, and transmitting changes data to that remote client in response to the received request. Thus, Cheng does not remedy the failure of Bracho to describe or suggest that data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data, as recited by claim 7.

Accordingly, neither Bracho nor Cheng, nor any proper combination of these references, describes or suggests data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data, as recited by claim 7. For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 7 and claims 8-14, which depend from claim 7.

Independent claim 1 recites a computer-readable medium having embodied thereon a computer program configured to generate data subscriptions. The medium includes one or more code segments configured to, *inter alia*, generate data subscriptions for the type of data to be distributed in a network of distributed computer systems, where each data subscription (1) is generated based on the type of data to be distributed to data sites, accessed application data, and

a distribution criterion and (2) identifies a portion of the application data to be distributed to one or more of the data sites.

As discussed above, Bracho and Cheng, alone or in any proper combination, do not describe or suggest that data subscriptions for types of application program data are automatically generated based only on (1) the application data and (2) a distribution criteria for a type of application data. Thus, Bracho does not describe or suggest a computer program configured to generate data subscriptions for the type of data to be distributed in a network of distributed computer systems, where each data subscription (1) is generated based on the type of data to be distributed to data sites, accessed application data, and a distribution criterion and (2) identifies a portion of the application data to be distributed to one or more of the data sites, as recited by claim 1.

Accordingly, applicant requests reconsideration and withdrawal of the rejection of claim 1, and claims 2-6, which depend from claim 1.

Claim 15 recites subject matter similar to that of claim 1, but claim 15 does so in the context of a method for generating data subscriptions. Thus, for the reasons discussed above, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 15, and claims 16-20, which depend from claim 15.

Conclusion

Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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US01

No fee is believed due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 29, 2007

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